

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

GAIL SMITH, individually and on behalf of
similarly situated persons,

Plaintiff,

v.

**SOUTHEASTERN PIZZA PEOPLE, INC.,
d/b/a “Domino’s Pizza” and JOHN E. RIDGE,**

Defendants.

Case No. 7:19-cv-00105-FL

**PLAINTIFF’S UNOPPOSED MOTION
FOR LEAVE FOR LOCAL COUNSEL
TO BE EXCUSED FROM APPEARING
PER LOCAL RULE 83.1(f)**

Plaintiff Gail Smith (“Plaintiff”), by and through her undersigned counsel, hereby files this Unopposed Motion for Leave for Local Counsel to be Excused from Appearing per Local Rule 83.1(f) and in support state as follows:

1. The Parties have reached a settlement of the claims alleged in the instant case, and the Court has set a Final Approval Hearing for Friday, August 28 at 10:30 AM EDT.
2. Local Rule 83.1(f) states, among other procedure, “...Local counsel shall attend all court proceedings unless excused by the court.”
3. Jacob J. Modla, Esq., of The Law Offices of Jason E. Taylor P.C. has diligently performed the duties of Local Counsel for Plaintiffs in this action since the date of the filing of Plaintiff’s Complaint. In this same timeframe, Jesse “Jay” Forester, Esq., of Forester Haynie PLLC has acted as Lead Counsel for Plaintiffs, attended mediation on their behalf, and has performed the majority of the substantive work for Plaintiffs in this case.
4. Given his experience with this case, it is Mr. Forester’s intent to appear at the Final Approval Hearing and speak on behalf of Plaintiffs. Mr. Modla’s appearance is therefore unnecessary, and Plaintiff hereby moves this honorable Court for leave for Mr. Modla to be excused from appearing at the Final Approval Hearing.

5. Although it is Plaintiff's belief that Mr. Modla need not appear at the Final Approval Hearing given Mr. Forester's familiarity with the case and planned appearance, Mr. Modla will do so should the Court deny the instant motion.

6. Plaintiff's Counsel has conferred with defense counsel, who has confirmed that they do not oppose the relief sought herein.

WHEREFORE, Plaintiff requests leave of this Court for her Local Counsel to be excused from appearing at the Final Approval Hearing.

RESPECTFULLY SUBMITTED,

/s/ Jacob J. Modla

Jacob J. Modla, Esq.
The Law Offices of Jason E. Taylor P.C.
454 S. Anderson Rd., Suite 303
Rock Hill, South Carolina 29730
Phone: (803) 328-0898
Fax: (828) 327-9008
jmodla@jasonetaylor.com
State Bar No. 17534

Jay Forester, Esq.
Forester Haynie PLLC
400 N. St. Paul Street, Suite 700
Dallas, Texas 75201
Phone: (214) 210-2100
Fax: (214) 346-5909
jay@foresterhaynie.com
Texas State Bar No. 24087532

**ATTORNEYS FOR PLAINTIFF
AND THE PROPOSED CLASS**

CERTIFICATE OF SERVICE

A copy of the foregoing document was electronically served on all counsel of record.

/s/ Jacob J. Modla
Jacob J. Modla, Esq.

CERTIFICATE OF CONFERENCE

Counsel for Plaintiffs has conferred with counsel for Defendants regarding the relief sought in this motion. Defense counsel has confirmed that Defendants do not oppose the relief sought herein.

/s/ Jacob J. Modla
Jacob J. Modla, Esq.